IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20268 of 2004

Between:

1 Pallapu Yellaiah, s/o Chinnaiah,
r/o Survey No.898, Balasamudram, Hanumakonda,
Warangal District.
2 Pallapu Venkataiah, s/o Venkaiath,
r/o Survey No.898, Balasamudram, Hanumakonda, Warangal District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Hanumakonda Mandal,
o/o The District Collector, Subedari, Warangal District, Warangal.
2 The District Collector, Subedari, Warangal District, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass appropriate writ order or direction more particularly one in the nature of the writ of mandamus declaring the inaction of the respondents in not taking action against the encroachers of the assigned lands situated in Survey No.898, Balasamudram, Hanamakonda, Warangal District as arbitrary, illegal, erroneous and consequently direct the respondents to take necessary action in accordance with the provisions of A.P. Assigned Lands (Prohibition of Transfers Act) 1977 and put the original assignees in possession of their respective assigned lands.

Counsel for the Petitioners:MR.CHAVALI RAMANAND

Counsel for the Respondents 1 and 2: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

Since the writ petition is filed with vague allegations, the same cannot be entertained. More so, the question of taking action against the encroachers under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act") by the respondents does not arise for the simple reason that no transfer of land is involved as alleged by the petitioner.

In that view of the matter, no mandamus, as such, can be issued to the respondents to initiate action against the encroachers under the provisions of the Act and to put the original assignees in possession of the property in question.

The writ petition is accordingly dismissed. However, the petitioners are at liberty to move the competent Civil Court seeking appropriate relief to safeguard their rights, if any. No order as to costs.

04-11-2004

GJ

To

1 The Mandal Revenue Officer, Hanumakonda Mandal,
o/o The District Collector, Subedari, Warangal District, Warangal.
2 The District Collector, Subedari, Warangal District, Warangal.

3 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P.,

Hyderabad.(OUT)

4 Two C.D. copies.